

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SUMIYO TANAKA

Appeal No. 2004-1570
Application No. 09/255,352

ORDER REMANDING TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on May 20, 2004. Pursuant to MPEP § 1211, the above-identified application is remanded to the examiner for appropriate action with respect to the matter set forth below.

On July 27, 2004, Appellant filed a Supplemental Information Disclosure Statement (Paper No. 28). However, at the time the Supplemental IDS, was received at the tech center, the application had been forwarded to the BPAI. Subsequently, the paper was forwarded to the Board to be matched with the file. Entry of the paper into the file record has been completed, however, the examiner has not had the opportunity to consider the IDS as per the Manual of Patent Examining Procedure (MPEP) § 609 (C) (Eighth Ed., Rev. 2, May 2004).

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Accordingly, it is

ORDERED that the application is remanded to the examiner for consideration of the IDS filed July 27, 2004 (Paper No. 28), notification to appellants in writing of consideration and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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